

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES D. HILL,

Plaintiff

v.

RONALD A. LAINO, et al.,

Defendants

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No. 3:06cv1572

(Judge Munley)

(Magistrate Judge Blewitt)

ORDER

AND NOW, to wit, this 25th day of October 2006, we have before us for disposition Magistrate Judge Thomas M. Blewitt's report and recommendation which proposes that plaintiff's *pro se* civil rights action filed under Bivens v. Six Unknown Named Agents of Fed. Bur. Of Narcotics, 403 U.S. 388 (1971), pursuant to 28 U.S.C. § 1331, be dismissed in part. Magistrate Judge Blewitt engaged in the preliminary screening process for *pro se* prisoner complaints required by 28 U.S.C. § 1915(2)(B).¹ No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in order to decide whether to adopt the report and recommendation, we must determine whether a review of the record evidences plain error or manifest injustice. See, e.g., Sullivan v. Cuyler, 723 F.2d

¹The relevant provision reads: "(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that (A) the allegation of poverty is untrue; or (B) the action or appeal (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief" 28 U.S.C. 1915(2).

1077, 1085 (3d Cir. 1983); Fed R. Civ. Pro. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); 28 U.S.C. § 636(b)(1).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice. We shall therefore adopt the report and recommendation.

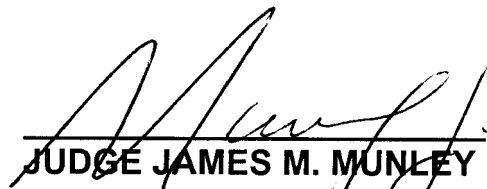
1) The magistrate judge's report and recommendation (Doc. 10) is

hereby **ADOPTED**;

2) Defendants Lieutenant Nial and Correctional Officer Sorensen are hereby ordered dismissed as parties to the case;

3) This case is remanded to Magistrate Judge Blewitt for further proceedings.

BY THE COURT:


JUDGE JAMES M. MUNLEY
United States District Court